

UNOFFICIAL VERSION

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THURSDAY, APRIL 12, 2012

SEVENTY-FIRST LEGISLATIVE DAY

CALL TO ORDER

The Senate met at 9:00 a.m., and was called to order by Mr. Speaker Ramsey.

PRAYER

The proceedings were opened with prayer by Reverend Michael O'Bannon of First United Methodist Church in Murfreesboro, Tennessee, a guest of Senator Ketron.

PLEDGE OF ALLEGIANCE

Senator Ketron led the Senate in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 33

Senators present were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

STANDING COMMITTEE REPORTS

COMMERCE, LABOR AND AGRICULTURE

MR. SPEAKER: Your Committee on Commerce, Labor and Agriculture begs leave to report that we have carefully considered and recommend for passage: Senate Bill No. 2271 with amendment; also, recommend that Senate Bills Nos. 2129 and 2247 be referred to Committee on Finance, Ways and Means.

JOHNSON, Chairperson
April 11, 2012

The Speaker announced that he had referred Senate Bill No. 2271 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2129 and 2247 to the Committee on Finance, Ways and Means.

EDUCATION

MR. SPEAKER: Your Committee on Education begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 1180 with amendment, 2488 with amendment, 2547 with amendment, 2893 with amendment, 3023, 3155 with amendment, 3247 with amendment, 3270 with amendment and 3553 with amendment; and House Joint Resolutions Nos. 520 and 602; also, recommend that Senate Bills Nos. 2162, 2254, 2375 with amendment, 2570,

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2687 with amendment, 3156 with amendment and 3563 with amendment be referred to Committee on Finance, Ways and Means.

GRESHAM, Chairperson
April 11, 2012

The Speaker announced that he had referred Senate Bills Nos. 1180 with amendment, 2488 with amendment, 2547 with amendment, 2893 with amendment, 3023, 3155 with amendment, 3247 with amendment, 3270 with amendment and 3553 with amendment; and House Joint Resolutions Nos. 520 and 602 to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 2162, 2254, 2375 with amendment, 2570, 2687 with amendment, 3156 with amendment and 3563 with amendment to the Committee on Finance, Ways and Means.

JUDICIARY

MR. SPEAKER: Your Committee on Judiciary begs leave to report that we have carefully considered and recommend for passage: Senate Bills Nos. 250 with amendment, 2120 with amendment, 2638 with amendment, 2667, 2705 with amendment, 2719 with amendment, 2739, 2741 with amendment, 2789 with amendment, 2892 with amendment, 2911 with amendment, 2914, 2915, 2957, 2958 with amendment, 2988 with amendment, 3076, 3154, 3275, 3323 with amendment and 3412 with amendment; also, recommend that Senate Bills Nos. 1566 with amendment, 2711 with amendment, 2773 with amendment, 2780 with amendment, 2886, 2913, 2922, 3092 with amendment and 3314 with amendment; and Senate Joint Resolution No. 635 be referred to Committee on Finance, Ways and Means.

BEAVERS, Chairperson
April 11, 2012

The Speaker announced that he had referred Senate Bills Nos. 250 with amendment, 2120 with amendment, 2638 with amendment, 2667, 2705 with amendment, 2719 with amendment, 2739, 2741 with amendment, 2789 with amendment, 2892 with amendment, 2911 with amendment, 2914, 2915, 2957, 2958 with amendment, 2988 with amendment, 3076, 3154, 3275, 3323 with amendment and 3412 with amendment to the Committee on Calendar.

The Speaker announced that he had referred Senate Bills Nos. 1566 with amendment, 2711 with amendment, 2773 with amendment, 2780 with amendment, 2886, 2913, 2922, 3092 with amendment and 3314 with amendment; and Senate Joint Resolution No. 635 to the Committee on Finance, Ways and Means.

MOTION

Senator Norris moved, pursuant to Rule 32 and Article II, Section 18 of the Constitution of the State of Tennessee, **House Bills Nos. 2384, 2823, 2890 and 3129** be passed on first consideration, which motion prevailed.

HOUSE BILLS ON FIRST CONSIDERATION

The Speaker announced that the following House Bills were transmitted to the Senate and passed first consideration:

House Bill No. 2384 -- Civil Service -- As introduced, enacts the Tennessee Excellence, Accountability, and Management (T.E.A.M.) Act of 2012. Amends TCA Title 8.

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House Bill No. 2823 -- Criminal Offenses -- As introduced, grants immunity from prosecution of prostitution where a person is a victim of involuntary labor servitude, sexual servitude, or where the person is a victim as defined under the federal "Trafficking Victims Protection Act". Amends TCA Title 39 and Title 40.

House Bill No. 2890 -- Drug and Alcohol Rehabilitation -- As introduced, provides that a person is eligible for drug court if the person has been charged with but not convicted of a violent felony or does not have a pattern of convictions for violent misdemeanors. Amends TCA Title 16, Chapter 22, Part 1.

House Bill No. 3129 -- Criminal Offenses -- As introduced, corrects the chemical compound, Benzoylindoles, found in illegal drugs such as hallucinogenic plants, from "Pravadoline (WIN 48, 09)" to "Pravadoline (WIN 48, 098)". Amends TCA Title 39, Chapter 17.

MOTION

Senator Norris moved, pursuant to Rule 33 and Article II, Section 18 of the Constitution of the State of Tennessee, that **Senate Bill No. 3813** be passed on second consideration and be referred to the appropriate committee or held on the Clerk's desk, which motion prevailed.

SENATE BILL ON SECOND CONSIDERATION

The Speaker announced that the following bill passed second consideration and was referred to the appropriate committee or held on the Clerk's desk:

Senate Bill No. 3813 Local bill -- held on desk.

MOTION

Senator Norris moved, pursuant to Rule 21, **Senate Joint Resolutions Nos. 777 and 778** be passed on first consideration and lie over, which motion prevailed.

INTRODUCTION OF RESOLUTIONS

The Speaker announced that the following resolutions were filed for introduction. Pursuant to Rule 21, the resolutions lie over.

Senate Joint Resolution No. 777 by Senator Herron.
Memorials, Death -- Elmer W. Counce.

Senate Joint Resolution No. 778 by Senators Faulk and Overbey.
Memorials, Recognition -- Urges improved public awareness of the Safe Haven program and participating community facilities.

MOTION

Senator Norris moved, pursuant to Rule 21, **House Joint Resolutions Nos. 766, 869, 871 and 891; Senate Joint Resolutions Nos. 765 through 776; and Senate Resolution No. 97** lie over and be referred to the appropriate committees or held on the Clerk's desk, which motion prevailed.

RESOLUTIONS LYING OVER

The Speaker announced that the following resolutions passed second consideration and were referred to the appropriate committees or held on the desk, pursuant to Rule 21:

House Joint Resolution No. 766 -- Naming and Designating -- "Child Abuse Prevention Month", April, 2012.

The Speaker announced that he had referred House Joint Resolution No. 766 to the Committee on Judiciary.

House Joint Resolution No. 869 -- Memorials, Personal Occasion -- George Leonard Ware, 99th birthday.

The Speaker announced that he had referred House Joint Resolution No. 869 to the Committee on Calendar.

House Joint Resolution No. 871 -- Memorials, Recognition -- James R. Barth.

The Speaker announced that he had referred House Joint Resolution No. 871 to the Committee on Calendar.

House Joint Resolution No. 891 -- Memorials, Recognition -- Reverend Jesse Jackson, Sr.

The Speaker announced that he had referred House Joint Resolution No. 891 to the Committee on Calendar.

Senate Joint Resolution No. 765 -- Memorials, Retirement -- Barry Cooper.

The Speaker announced that he had referred Senate Joint Resolution No. 765 to the Committee on Calendar.

Senate Joint Resolution No. 766 -- Memorials, Recognition -- Paul Agee, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 766 to the Committee on Calendar.

Senate Joint Resolution No. 767 -- Memorials, Recognition -- Betty Delaine Bradford Freeman, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 767 to the Committee on Calendar.

Senate Joint Resolution No. 768 -- Memorials, Recognition -- Newell Jenkins, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 768 to the Committee on Calendar.

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Senate Joint Resolution No. 769 -- Memorials, Recognition -- Charles Willoughby, Wilson County Agricultural Hall of Fame.

The Speaker announced that he had referred Senate Joint Resolution No. 769 to the Committee on Calendar.

Senate Joint Resolution No. 770 -- Memorials, Recognition -- White House Heritage High School, TVA Green Schools Program.

The Speaker announced that he had referred Senate Joint Resolution No. 770 to the Committee on Calendar.

Senate Joint Resolution No. 771 -- Memorials, Recognition -- Greenbrier Middle School, TVA Green Schools Program.

The Speaker announced that he had referred Senate Joint Resolution No. 771 to the Committee on Calendar.

Senate Joint Resolution No. 772 -- Memorials, Recognition -- Jo Byrns Elementary School, TVA Green Schools Program.

The Speaker announced that he had referred Senate Joint Resolution No. 772 to the Committee on Calendar.

Senate Joint Resolution No. 773 -- Memorials, Death -- Joyce Hicks Burchett.

The Speaker announced that he had referred Senate Joint Resolution No. 773 to the Committee on Calendar.

Senate Joint Resolution No. 774 -- Memorials, Sports -- Donelson Christian Academy boys basketball team, Division II-A Champion.

The Speaker announced that he had referred Senate Joint Resolution No. 774 to the Committee on Calendar.

Senate Joint Resolution No. 775 -- Memorials, Interns -- Greg Dowell.

The Speaker announced that he had referred Senate Joint Resolution No. 775 to the Committee on Calendar.

Senate Joint Resolution No. 776 -- Constitutional Amendments -- Proposes an amendment to Article XI, of the Constitution of Tennessee, to permit the general assembly by statute to establish limitations on damages in civil liability actions and other causes of action.

The Speaker announced that he had referred Senate Joint Resolution No. 776 to the Committee on Judiciary.

Senate Resolution No. 97 -- Memorials, Retirement -- Deborah Rains.

The Speaker announced that he had referred Senate Resolution No. 97 to the Committee on Calendar.

NOTICES

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 2879, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bill No. 3382, substituted for House Bill on same subject, amended, and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 11, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bill No. 1105. The House nonconcurred in Senate Amendment No. 2.

JOE MCCORD,
Chief Clerk.

CONSENT CALENDAR

Senate Joint Resolution No. 742 -- Memorials, Heroism -- Master Sergeant Michael Trost.

Senate Joint Resolution No. 743 -- Memorials, Academic Achievement -- Darius McGee, Salutatorian, Douglass High School.

Senate Joint Resolution No. 744 -- Memorials, Academic Achievement -- Ashley Laprese Caston, Valedictorian, Douglass High School.

Senate Joint Resolution No. 745 -- Memorials, Academic Achievement -- Sovanchamrean Yos, Valedictorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 746 -- Memorials, Academic Achievement -- Maira A. Lopez, Salutatorian, Raleigh-Egypt High School.

Senate Joint Resolution No. 747 -- Memorials, Personal Occasion -- Nell Goodson, 101st birthday.

Senate Joint Resolution No. 748 -- Memorials, Recognition -- Iris Thompson, 2012 Super Senior.

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Senate Joint Resolution No. 749 -- Memorials, Recognition -- Rusty Branstetter, 2012 Super Senior.

Senate Joint Resolution No. 750 -- Memorials, Death -- Paul Edward Meyers II.

Senate Resolution No. 96 -- Memorials, Recognition -- Chelsea Rose, 2012 Derryberry Award.

House Joint Resolution No. 853 -- Memorials, Academic Achievement -- Jami Reece, Valedictorian, Red Boiling Springs High School.

House Joint Resolution No. 854 -- Memorials, Academic Achievement -- Morgan Burgener, Valedictorian, Red Boiling Springs High School.

House Joint Resolution No. 855 -- Memorials, Academic Achievement -- David Williams, Jr., Valedictorian, Red Boiling Springs High School.

House Joint Resolution No. 856 -- Memorials, Academic Achievement -- Kristin Davis, Valedictorian, Red Boiling Springs High School.

House Joint Resolution No. 857 -- Memorials, Academic Achievement -- Matthew Brockett, Salutatorian, Red Boiling Springs High School.

House Joint Resolution No. 858 -- Memorials, Recognition -- Dr. Martin Luther King, Jr., Avenue in Memphis.

House Joint Resolution No. 859 -- Memorials, Sports -- Anfernee "Penny" Hardaway, Lester Middle School Lions basketball team, 2012 Small Schools Tennessee State Championship.

House Joint Resolution No. 861 -- Memorials, Professional Achievement -- Dr. L. Anthony Wise, Jr.

House Joint Resolution No. 862 -- Memorials, Interns -- Tony Bernard Mitchell, Jr.

Senator Faulk moved that all Senate Joint Resolutions and Senate Resolutions be adopted; and all House Joint Resolutions be concurred in, which motion prevailed by the following vote:

Ayes	31
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--31.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 2407 -- Controlled Substances -- As introduced, expands responsibility to report under "doctor shopping" laws; permits hospitals access to database for certain purposes and

immunizes them from liability; requires photo identification for persons picking up prescriptions; allows federal law enforcement to access database without warrant; requires real-time access for law enforcement and pharmacists; requires pain clinics to be owned by Tennessee doctors or hospitals; penalizes interference with pharmacists' decisions to fill prescriptions; requires methadone clinics to query database. Amends TCA Title 39, Chapter 17, Part 4; Title 53, Chapter 10, Part 3; Title 53, Chapter 11, Part 3; Section 53-11-402; Title 63, Chapter 1, Part 3; Title 63, Chapter 10, Part 2 and Title 71, Chapter 5, Part 26.

Senator Overbey declared Rule 13 on **Senate Bill No. 2407**.

Senator Faulk declared Rule 13 on **Senate Bill No. 2407**.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 53-10-306(a), is amended by adding the following as new subdivision (6) and renumbering accordingly:

(6) A quality improvement committee as defined in Section 68-11-272 of a hospital licensed under Title 68, as part of the committee's confidential and privileged activities under Section 68-11-272(b)(4) with respect to the evaluation, supervision or discipline of a healthcare provider employed by the hospital or any of its affiliates or subsidiaries, who is known or suspected by the hospital's administrator to be prescribing controlled substances for the prescriber's personal use;

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2407**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2420 -- Beer -- As introduced, requires persons applying for permit to sell beer for off-premise consumption to become certified under "Tennessee Responsible Vendor Act of 2006". Amends TCA Title 57, Chapter 5.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-5-605, is amended by adding the following language as a new subsection (e):

(e)(1) As used in this subsection the term "beer board" means the local legislative body or committee appointed by the local legislative body having authority to issue licenses or permits under this chapter.

(2) To the extent the beer board has access to the information required pursuant to this subsection, the beer board shall file with the Alcoholic Beverage Commission an annual statistical report by February 1 of each year based on the previous calendar year's information detailing the following:

(A) The total number of beer permits or licenses issued by the beer board for off-premises consumption;

(B) The number of violations for the sale of beer for off-premises consumption to a person under twenty-one (21) years of age resulting from:

(i) A "sting" conducted pursuant to § 39-15-413; and

(ii) Arrests made under conditions not related to a "sting".

(C) Whether the violation of subdivision (B) occurred at an establishment participating in the responsible vendor program;

(D) Whether if a "sting" was conducted pursuant to § 39-15-413 at an establishment participating in the responsible vendor program, the underage person used in the "sting" was unsuccessful in making the purchase;

(E) The type and number of violations other than the sale of beer for off-premises consumption to a person under twenty-one (21) years of age occurred at establishments selling beer for off-premises consumption;

(F) The name of the license or permit holder at the location where the violation occurred; and

(G) The specific penalty imposed by the beer board for each violation upon a finding that a violation occurred.

(3) The Alcoholic Beverage Commission shall compile the statistical information received from the beer boards and file a report with the State and Local Government Committees of each house by March 15th of the year in which the report is received, together with recommendations for legislative changes related to the responsible vendor program, if any are recommended by the commission.

(4) The report made pursuant to subdivision (3) shall be made available by the Alcoholic Beverage Commission to any person filing a written request for a copy of the report.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2420**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2421 -- County Officers -- As introduced, allows Anderson County to provide cars for the use of salaried county officials. Amends TCA Section 8-26-113.

On motion, Senate Bill No. 2421 was made to conform with **House Bill No. 2403**.

On motion, House Bill No. 2403, on same subject, was substituted for Senate Bill No. 2421.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 in its entirety and substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Section 8-26-113, is amended by deleting the language in that section in its entirety and replacing it with the following:

Subject to appropriation by the county legislative body, counties may provide vehicles for the use of any salaried county official who is paid from county funds and who holds office by election of the people, by election of the county legislative body, or by election of any other county board or commission, and any clerk or master appointed by a chancellor, or, in the alternative, may provide a monthly car allowance to such salaried county officials.

On motion, Amendment No. 1 was adopted.

Senator McNally moved that **House Bill No. 2403**, as amended, be moved ten places down on the Calendar for today, which motion prevailed.

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Senate Bill No. 2462 -- Sunset Laws -- As introduced, extends the department of human services, June 30, 2013. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3.

Senator Bell moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-235(a), is amended by adding the following as a new, appropriately designated subdivision:

() Department of human services, created by § 4-3-1201;

AND FURTHER AMEND by adding the following language immediately preceding the effective date section and by renumbering the subsequent section accordingly:

SECTION _____. The division of state audit shall send follow-up questions to the department of human services in 2013 regarding actions taken by the department to address the issues raised in the January, 2012 performance audit report.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2462**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

Senate Bill No. 2463 -- Administrative Procedure (UAPA) -- As introduced, continues permanent rules filed with secretary of state after January 1, 2011.

Senate Bill No. 2463 passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2480 -- Tort Liability and Reform -- As introduced, provides immunity for first responders when using forcible entry to enter premises to render emergency medical assistance when responding to 911 call; enacts "Jaclyn's Law". Amends TCA Title 7, Chapter 86; Title 29; Title 63, Chapter 6 and Title 68, Chapter 140.

On motion, Senate Bill No. 2480 was made to conform with **House Bill No. 2215**.

On motion, House Bill No. 2215, on same subject, was substituted for Senate Bill No. 2480.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting subsections (a) and (b) of § 29-34-208 in Section 2 and by substituting instead the following:

(a) As used in this section, "first responder" means a law enforcement officer, firefighter, emergency services personnel or other person who responds to calls for emergency assistance from a 911 call.

(b) A first responder and the responder's supervisor, agency, employer or supervising entity is immune from civil liability resulting from a forcible entry of a home, business or other structure if the first responder:

(1) Is responding to a documented 911 call for emergency assistance;

(2) Has made reasonable efforts to summon an occupant of the home, business, or structure by knocking or otherwise notifying the occupant of the first responder's presence;

(3) Has not received a response from an occupant within a reasonable period of time after making reasonable efforts pursuant to subdivision (b)(2); and

(4) Has a good faith belief that it is necessary to make a forcible entry for the purposes of rendering emergency assistance or preventing imminent bodily harm.

On motion, Amendment No. 1 was adopted.

Senator Johnson moved that **House Bill No. 2215**, as amended, be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2507 -- Criminal Offenses -- As introduced, expands the drugs whose production, manufacture, distribution, or sale would be a crime under the present law offense regarding synthetic derivatives or analogues of methcathinone. Amends TCA Title 39.

On motion, Senate Bill No. 2507 was made to conform with **House Bill No. 2645**.

On motion, House Bill No. 2645, on same subject, was substituted for Senate Bill No. 2507.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

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On motion of Senator Beavers, Amendment No. 2 was withdrawn.

Thereupon, **House Bill No. 2645** passed its third and final consideration by the following vote:

Ayes 33
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2617 -- Motor Vehicles -- As introduced, inserts an omitted reference to the 10-day period within which an owner of a garage, trailer park or lot must report abandoned vehicles; increases, from 14 to 20 days, the grace period for certain members of the military to renew registrations upon returning to Tennessee after being stationed overseas. Amends TCA Title 55.

Senator Tracy moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Tennessee Federation of Garden Clubs;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2__.

(a) Owners or lessees of motor vehicles who are residents of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Tennessee Federation of Garden Clubs new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall contain the official logo or other design representative of the Tennessee Federation of Garden Clubs and shall be designed in consultation with such organization.

(c) The funds produced from the sale of such new specialty earmarked license plates shall be allocated to the Tennessee Federation of Garden Clubs, Inc. in accordance with § 55-4-215. Such funds shall be used exclusively to support the organization's educational programs in gardening and conservation.

SECTION 3. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Wilson County - The Place to Be!;

SECTION 4. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2__.

(a) An owner or lessee of a motor vehicle who is a resident of this state, upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a "Wilson County - The Place to Be!" new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The new specialty earmarked plates provided for in this section shall be of an appropriate design representative of Wilson County, Tennessee, and shall include the language "Wilson County - The Place to Be!".

(c) In accordance with § 55-4-215, the funds produced from the sale of such new specialty earmarked license plates shall be allocated to the United Way of Wilson County, to be used to support the organization's activities and programs.

SECTION 5. Tennessee Code Annotated, Section 55-4-357, is amended by adding the following as a new subsection (d):

(d) Notwithstanding § 55-4-201(h)(1), the National Civil Rights Museum new specialty earmarked license plates authorized by this section shall have until July 1, 2013 to meet applicable initial issuance requirements of § 55-4-201(h)(1).

SECTION 6. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Tracy, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2617**, as amended, passed its third and final consideration by the following vote:

Ayes 33
Noes 0

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

Senate Bill No. 2735 -- State Government -- As introduced, authorizes the State Building Commission to allocate energy efficient commercial building tax deductions from the IRS to persons designing such buildings. Amends TCA Title 4, Chapter 15 and Title 12, Chapter 3.

Senator Yager moved that Amendment No. 1 be placed behind Amendment No. 2, which motion prevailed.

Senator Johnson moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 4-15-106, is amended by adding a new subsection thereto, as follows:

(c) The state architect or the state architect's designee shall allocate the energy efficient commercial building tax deduction compiled in 26 U.S.C. § 179D to the party primarily responsible for designing the property in accordance with IRS tax provisions. This party may distribute all or part of this deduction to other parties responsible for design or installation of energy efficient commercial systems used to obtain such tax credit. This authority is retroactive, pursuant to applicable internal revenue service tax guidelines.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **Senate Bill No. 2735**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--32.

A motion to reconsider was tabled.

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Senator Southerland moved that **Senate Bill No. 2754** be placed on the Calendar for Monday, April 16, 2012, which motion prevailed.

Senate Bill No. 3227 -- Utilities, Utility Districts -- As introduced, revises provisions governing the creation of a utility district. Amends TCA Title 7, Chapter 82.

Senator Overbey declared Rule 13 on **Senate Bill No. 3227**.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 7-82-202(a) is amended by adding the following language after the sixth sentence in the subsection:

A copy of such public notice shall also be sent by the county mayor at least seven (7) days prior to the date of the hearing to the chair of the county commission unless the county mayor is the chair then the notice shall be sent to the chair pro tempore.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3227**, as amended, passed its third and final consideration by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 2215, AS AMENDED

Senator Barnes moved to amend as follows:

AMENDMENT NO. 2

AMEND by deleting subdivision (b)(2) of § 29-34-208 in Section 2 and by substituting instead the following:

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(2) Has made reasonable efforts to summon an occupant of the home, business, or structure that made the call by knocking or otherwise notifying the occupant of the first responder's presence;

Pursuant to Rule 39(3), Amendment No. 2 was adopted by the following vote:

Ayes	33
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--33.

Thereupon, **House Bill No. 2215**, as amended, passed its third and final consideration by the following vote:

Ayes	27
Noes	5
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Burks, Campfield, Crowe, Faulk, Gresham, Harper, Haynes, Henry, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey --27.

Senators voting no: Berke, Finney, Herron, Kyle and Marrero--5.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senator Campfield moved that **House Bill No. 2913**, as amended, be placed on the Calendar for Wednesday, April 18, 2012, which motion prevailed.

Senate Bill No. 2487 -- Gambling -- As introduced, exempts nonprofit corporations from paying gambling machine manufacturing fees if the nonprofit is licensed by the Tennessee Department of Mental Health and certified by the Tennessee Department of Human Services to provide vocational rehabilitation job training programs. Amends TCA Title 39.

On motion, Senate Bill No. 2487 was made to conform with **House Bill No. 2453**.

On motion, House Bill No. 2453, on same subject, was substituted for Senate Bill No. 2487.

House Bill No. 2453 passed its third and final consideration by the following vote:

Ayes	28
Noes	1
Present, not voting . . .	2

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Senators voting aye were: Barnes, Beavers, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, Norris, Overbey, Roberts, Southerland, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--28.

Senator voting no was: Berke--1.

Senators present and not voting were: Henry and Stewart--2.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 2403, AS AMENDED

Senator McNally moved that **House Bill No. 2403**, as amended, be placed on the Calendar for Monday, April 16, 2012, which motion prevailed.

Senate Bill No. 3345 -- Schools, Charter -- As introduced, regulates charter schools' relationships with foreign entities and the use of non-immigrant foreign workers by charter schools. Amends TCA Title 49, Chapter 13, as amended.

On motion of Senator Overbey, Amendment No. 6 was withdrawn.

Senator Overbey moved to amend as follows:

AMENDMENT NO. 7

AMEND by deleting the following language from the bill as amended:

SECTION _____. If a court finds a violation of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d), has occurred under the operation of this act and the court's decision has become final, then immediately upon the effective date of the court's order, this act is repealed. The charter school that is a party to the lawsuit shall notify the Commissioner of Education of the court's ruling, who shall report the same to the secretary of state and the Tennessee Code Commission. The commissioner shall also notify all charter schools operating in this state of the repeal of this act.

and by substituting instead the following:

SECTION _____. If a court finds a violation of Title VI of the Civil Rights Act of 1964, as codified in 42 United States Code 2000(d), has occurred under the operation of this act and the court's decision has become final, the charter school that is a party to the lawsuit shall notify the Commissioner of Education of the court's ruling, who shall report the same to the Speaker of the Senate and Speaker of the House. The commissioner shall also notify all charter schools operating in this state of the court's decision.

On motion, Amendment No. 7 was adopted.

Thereupon, **Senate Bill No. 3345**, as amended, passed its third and final consideration by the following vote:

Ayes	18
Noes	13
Present, not voting . . .	1

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Senators voting aye were: Beavers, Bell, Burks, Crowe, Faulk, Gresham, Johnson, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Tate, Tracy, Yager and Mr. Speaker Ramsey--18.

Senators voting no were: Barnes, Berke, Campfield, Finney, Harper, Haynes, Henry, Herron, Kelsey, Kyle, Marrero, Stewart and Watson--13.

Senator present and not voting was: Ford--1.

A motion to reconsider was tabled.

Senate Joint Resolution No. 183 -- Constitutional Amendments -- Proposes an amendment to Section 3 of Article VI of the Tennessee Constitution to unequivocally authorize the general assembly, by statute, to establish a system of merit-based appointments with retention elections for appellate court judges.

Senator Norris moved to amend as follows:

AMENDMENT NO. 3

AMEND by deleting the first resolving clause in its entirety and by substituting instead the following language:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED SEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that the Constitution of Tennessee be amended:

By deleting Section 3 of Article VI and by substituting instead the following:

SECTION 3. Each judge of the Supreme Court or any intermediate appellate court shall be appointed based on merit by the governor with concurrence of the Legislature. Thereafter, the judge shall be elected in a retention election by a majority of the votes cast by the qualified voters of the state in that judge's election. The Legislature shall have the power to prescribe such provisions as may be necessary to carry out sections two and three of this article. Each judge shall be at least thirty-five years of age and shall have been a resident of the state for five years before the appointment. The term of service shall be eight years.

Pursuant to Rule 39(3), Amendment No. 3 failed by the following vote:

Ayes	15
Noes	16
Present, not voting . . .	1

Senators voting aye were: Beavers, Crowe, Faulk, Ford, Gresham, Haynes, Johnson, Ketron, Kyle, McNally, Norris, Southerland, Summerville, Tracy and Yager--15.

Senators voting no were: Barnes, Bell, Berke, Burks, Campfield, Finney, Harper, Herron, Kelsey, Marrero, Massey, Overbey, Stewart, Tate, Watson and Mr. Speaker Ramsey--16.

Senator present and not voting was: Henry--1.

Senator Norris moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 183** had been read.

Senate Joint Resolution No. 710 -- Constitutional Amendments -- As introduced, proposes an amendment to Article VI, Section 3 in order to constitutionally enshrine a system for selection of each appellate court judge by means of merit-based gubernatorial appointment with legislative confirmation and, thereafter, contingent upon a satisfactory job performance evaluation, retention election by the voters of the state, as amended.

Senator Kelsey moved that the Clerk read the resolution, which motion prevailed.

The Clerk read the resolution.

Thereupon, Mr. Speaker Ramsey declared pursuant to Article XI, Section 3, **Senate Joint Resolution No. 710**, as amended, had been read.

MR. SPEAKER RAMSEY RELINQUISHES CHAIR

Mr. Speaker Ramsey relinquished the Chair to Senator Watson as Speaker pro tempore.

Senate Bill No. 2246 -- Civil Service -- As introduced, enacts the "Tennessee Excellence, Accountability, and Management (T.E.A.M.) Act of 2012". Amends TCA Title 8.

On motion, Senate Bill No. 2246 was made to conform with **House Bill No. 2384**.

On motion, House Bill No. 2384, on same subject, was substituted for Senate Bill No. 2246.

On motion of Senator Bell, Amendment No. 1 was withdrawn.

On motion of Senator Bell, Amendment No. 2 was withdrawn.

On motion of Senator Yager, Amendment No. 3 was withdrawn.

On motion of Senator McNally, Amendment No. 4 was withdrawn.

On motion of Senator McNally, Amendment No. 5 was withdrawn.

Thereupon, **House Bill No. 2384** passed its third and final consideration by the following vote:

Ayes 30
Noes 3

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Senators voting aye were: Barnes, Beavers, Bell, Berke, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson, Yager and Mr. Speaker Ramsey--30.

Senators voting no were: Burks, Kyle and Marrero--3.

A motion to reconsider was tabled.

Senator Massey moved that **Senate Bill No. 2544** be placed on the Calendar for Monday, April 16, 2012, which motion prevailed.

Senator Ketron moved that **Senate Bill No. 2556** be placed on the Calendar for Wednesday, April 18, 2012, which motion prevailed.

Senate Bill No. 2720 -- Bail, Bail Bonds -- As introduced, requires a person seeking to own a bonding company have two years of experience writing bail as a full-time agent with a professional bonding company in good standing. Amends TCA Title 40, Chapter 11, Part 3.

On motion, Senate Bill No. 2720 was made to conform with **House Bill No. 2442**.

On motion, House Bill No. 2442, on same subject, was substituted for Senate Bill No. 2720.

House Bill No. 2442 passed its third and final consideration by the following vote:

Ayes	24
Noes	5

Senators voting aye were: Barnes, Beavers, Bell, Berke, Faulk, Finney, Ford, Harper, Haynes, Henry, Johnson, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson and Yager--24.

Senators voting no were: Burks, Campfield, Herron, Kelsey and Summerville--5.

A motion to reconsider was tabled.

Senate Bill No. 2817 -- Law Enforcement -- As introduced, clarifies that a report on a missing child must be entered in the NCIC database but does not have to be entered in the MCOT database. Amends TCA Title 37; Title 38 and Title 39.

On motion, Senate Bill No. 2817 was made to conform with **House Bill No. 2986**.

On motion, House Bill No. 2986, on same subject, was substituted for Senate Bill No. 2817.

On motion of Senator Beavers, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 2986** passed its third and final consideration by the following vote:

Ayes 29
Noes 0
Present, not voting . . . 1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Tracy, Watson and Yager--29.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 2950 -- Motor Vehicles -- As introduced, prevents car dealerships from being held vicariously liable when loaning a vehicle to a customer with proof of insurance, except in the case of gross negligence. Amends TCA Title 55.

On motion, Senate Bill No. 2950 was made to conform with **House Bill No. 3274**.

On motion, House Bill No. 3274, on same subject, was substituted for Senate Bill No. 2950.

Senator Kelsey moved that **House Bill No. 3274** be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 2999 -- Special License Plates -- As introduced, authorizes until July 1, 2013, for sufficient number of applicants for Sigma Gamma Rho license plates. Amends TCA Section 55-4-261.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-261(a), is amended by deleting from such subsection the language "Sigma Gamma Rho [obsolete],".

SECTION 2. Tennessee Code Annotated, Section 55-4-261, is amended by adding the following language as a new subsection (e):

(e)(1) An owner or lessee of a motor vehicle who is a resident of this state and who is certified as a member or alumni member of Sigma Gamma Rho Sorority, Inc., upon complying with state motor vehicle laws relating to registration and licensing of motor vehicles, and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Sigma Gamma Rho new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(2) The application for Sigma Gamma Rho new specialty earmarked license plates shall be accompanied by proof satisfactory to the commissioner certifying the applicant to be a member or alumni member of Sigma Gamma Rho Sorority, Inc.

(3) The new specialty earmarked plates provided for in this subsection (e) shall be of the colors and contain the logo of Sigma Gamma Rho Sorority, Inc. and shall be designed in consultation with the Tennessee chapters of Sigma Gamma Rho.

(4) In accordance with § 55-4-215, the funds produced from the sale of Sigma Gamma Rho new specialty earmarked license plates shall be allocated to Saint Jude Children's Research Hospital to be used exclusively for research into the causes and treatment of cancer and cancer-related illnesses in children.

(5) Section 55-4-201(f) shall not apply to the plates authorized by this subsection (e).

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 2999**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

Senate Bill No. 3062 -- Special License Plates -- As introduced, authorizes issuance of Teamsters cultural license plates. Amends TCA Title 55, Chapter 4.

Senator Tracy moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 55-4-202(c)(7), is amended by adding the following as a new, appropriately designated subdivision:

() Teamsters;

SECTION 2. Tennessee Code Annotated, Title 55, Chapter 4, Part 2, is amended by adding the following as a new, appropriately designated section:

55-4-2__.

(a) An owner or lessee of a motor vehicle who is a resident of Tennessee, and who is certified as a member or retiree of the International Brotherhood of Teamsters, upon complying with state motor vehicle laws

relating to registration and licensing of motor vehicles and paying the regular fee applicable to the motor vehicle and the fee provided for in § 55-4-203, shall be issued a Teamsters new specialty earmarked license plate for a motor vehicle authorized by § 55-4-210(c).

(b) The application for these new specialty earmarked license plates shall be accompanied by proof, satisfactory to the commissioner, certifying the applicant to be a member or retiree of the International Brotherhood of Teamsters.

(c) The new specialty earmarked license plates authorized by this section shall contain the official logo or other design representative of the International Brotherhood of Teamsters, and shall be designed in consultation with the presidents of the Tennessee locals of the International Brotherhood of Teamsters.

(d) The funds produced from the sale of Teamsters new specialty earmarked license plates shall be allocated to the Teamsters of Tennessee Advancement Alliance in accordance with § 55-4-215.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3062**, as amended, passed its third and final consideration by the following vote:

Ayes	29
Noes	0
Present, not voting . . .	1

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Tate, Tracy, Watson and Yager--29.

Senator present and not voting was: Summerville--1.

A motion to reconsider was tabled.

Senate Bill No. 3183 -- Naming and Designating -- As introduced, designates the first week in March as "Rescue Squad Week". Amends TCA Title 15, Chapter 2, Part 1.

Senator Faulk declared Rule 13 on **Senate Bill No. 3183**.

On motion, Senate Bill No. 3183 was made to conform with **House Bill No. 3009**.

On motion, House Bill No. 3009, on same subject, was substituted for Senate Bill No. 3183.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting from the first sentence of the amendatory language in Section 1 the language "The first full week in March" and by substituting instead the language "The third full week in May".

On motion, Amendment No. 1 was adopted.

Thereupon, **House Bill No. 3009**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

MOTION

Senator Finney moved that Rules 32, 33 and 37 be suspended for the introduction and immediate consideration of **Senate Joint Resolution No. 785**, out of order, which motion prevailed.

INTRODUCTION OF RESOLUTION

Senate Joint Resolution No. 785 by Senator Finney.
Memorials, Public Service -- Senator Eric Stewart.

On motion of Senator Finney, the rules were suspended for the immediate consideration of the resolution.

On motion, **Senate Joint Resolution No. 785** was adopted.

A motion to reconsider was tabled.

CALENDAR

Senate Bill No. 3222 -- Courts -- As introduced, authorizes creation of veterans courts to address particular concerns of veterans suffering from post traumatic stress and other conditions arising from military service. Amends TCA Title 16.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by adding the following language immediately preceding the enacting clause:

WHEREAS, the general assembly recognizes that veterans and servicemembers have provided or are currently providing an invaluable service to our country. In so doing, some may suffer the effects of post traumatic stress disorder, traumatic brain injury, and

depression, and may also suffer drug and alcohol dependency, addiction, or co-occurring mental illness and substance abuse problems; and

WHEREAS, some veterans or servicemembers come into contact with the criminal justice system and are charged with and convicted of felony and misdemeanor offenses; and

WHEREAS, there is a critical need for the criminal justice system to recognize these veterans, provide accountability for their wrongdoing, provide for the safety of the public, and provide for the treatment of veterans; and

WHEREAS, the feasibility of establishing specialized veteran courts with the flexibility necessary to meet the specialized problems faced by veteran and servicemember defendants should be studied in the interest of serving the needs of our veterans and servicemembers; now, therefore,

AND FURTHER amend by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The Administrative Office of the Courts (AOC) is directed to study the feasibility of establishing specialized veterans courts in Tennessee.

SECTION 2. In conducting such study, the AOC shall consider ways and means to achieve the following goals and objectives:

(1) Increased cooperation between courts and criminal justice, veterans, mental health and substance abuse systems;

(2) Increased placement of many offenders who are veterans of the United States military, including those with post-traumatic stress disorder, traumatic brain injury, military sexual trauma, substance abuse, or any mental health problem stemming from United States military service, in community treatment;

(3) Improving access to necessary services and support;

(4) Reduced recidivism; and

(5) Reduced involvement of veterans in the criminal justice system and incarceration by making mental health service for veterans available in the least restrictive environment possible while promoting public safety.

SECTION 3. The AOC shall also consider the following issues in conducting such study:

(1) The method by which the target population of defendants will be identified and referred to veterans court dockets;

(2) The method for assessing defendants who are veterans for serious mental illness and co-occurring disorders;

(3) The criteria that make a defendant eligible to participate in a veterans court;

- (4) The elements of treatment and supervision programs;
- (5) Standards for continuing participation in, and successful completion of, a veterans court program;
- (6) The need for training from county departments and persons in the community with specialized knowledge about veterans' treatment and service needs;
- (7) The need to provide initial and ongoing training on the nature of serious mental illness and on the treatment and supportive services available in the community;
- (8) The process to ensure defendants will receive an appropriate level of treatment services with an emphasis on maximizing federally funded services, as well as county and other local mental health and substance abuse treatment services;
- (9) The process for developing or modifying a treatment plan for each defendant, based on a formal assessment of the defendant's mental health, United States military service history, and substance abuse treatment needs;
- (10) The process for referring cases to the veterans court; and
- (11) A defendant's voluntary entry into the veterans court, the right of a defendant to withdraw from the veterans court, and the process for explaining these rights to the defendant.

SECTION 4. The Department of Veterans Affairs and all other appropriate state agencies shall provide assistance to the AOC upon request. All federal and local organizations and all interested volunteer organizations are requested to assist the AOC when called upon.

SECTION 5. The AOC shall submit an interim report relative to such study no later than September 1, 2012, and shall submit its final report, including any findings and recommendations, to the Judiciary Committees of the Senate and the House of Representatives no later than December 1, 2012.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3222**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

Senate Bill No. 3223 -- Planning, Public -- As introduced, enacts the "Tennessee Local Land Bank Pilot Program". Amends TCA Title 13.

Senator Yager moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 13, is amended by adding the following language as a new Chapter 30:

13-30-101. This act shall be known and may be cited as the "Tennessee Local Land Bank Pilot Program".

13-30-102. The legislature finds and declares as follows:

(1) Tennessee's communities are important to the social and economic vitality of the state. Whether urban, suburban or rural, many communities are struggling to cope with vacant, abandoned and tax-delinquent properties.

(2) There exists a crisis in many cities and their metro areas caused by disinvestment in real property and resulting in a significant amount of vacant and abandoned property. This condition of vacant and abandoned property represents lost revenue to local governments and large costs associated with demolition, safety hazards and spreading deterioration of neighborhoods including resulting mortgage foreclosures.

(3) The need exists to strengthen and revitalize the economy of the state and its local units of government by solving the problems of vacant and abandoned property in a coordinated manner and to foster the development of such property and promote economic growth. Such problems may include multiple taxing jurisdictions lacking common policies, ineffective property inspection, code enforcement and property rehabilitation support, lengthy and/or inadequate foreclosure proceedings, and lack of coordination and resources to support economic revitalization.

(4) There is an overriding public need to confront the problems caused by vacant, abandoned and tax-delinquent properties through the creation of new tools to be available to communities throughout the state enabling them to turn vacant spaces into vibrant places.

(5) Land banks are one of the tools that can be utilized by communities to facilitate the return of vacant, abandoned and tax-delinquent properties to productive use.

(6) In the interest of self-governance on the part of Tennessee's cities, this pilot program will be used in specific areas as a testing model of a self-governing, self-sustaining land bank that can revitalize Tennessee cities and counties.

13-30-103. As used in this act, unless the context clearly indicates otherwise:

(1) "Board of directors" or "board" means the board of directors or other similar governing body of the corporation;

(2) "Corporation" means a corporation created pursuant to this chapter to operate a land bank;

(3) "Land bank" means real property, however obtained or acquired and held by a corporation, created pursuant to this chapter, with the intent of acquiring and holding onto the real property so acquired until such a time as the corporation is able to find a willing and able buyer to acquire the real property from the corporation;

(4) "Local government" means any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee meeting the requirements of § 13-30-104;

(5) "Pilot program" means the Tennessee Local Land Bank Pilot Program meeting the requirements of § 13-30-104;

(6) "Real estate" means an identified parcel or tract of land, including improvements, if any; and

(7) "Real property" means one (1) or more defined parcels or tracts of land or interests, benefits and rights inherent in the ownership of real estate.

13-30-104.

(a)(1) Any municipality or county incorporated or existing under the laws of Tennessee, or any combination of any municipality or county incorporated or existing under the laws of Tennessee, to which all of the following elements applies, has the authority to establish a pilot program by creating a corporation which is authorized to operate a land bank for the creating local government or local governments, hereafter referred to as "corporation", within the jurisdictional boundaries of the local government or local governments establishing the corporation:

(A) The local government was chosen as a site for a nuclear research facility for the U.S. Government during the World War II era;

(B) Prefabricated modular homes, apartments and dormitories, many made from cemesto panels, were quickly erected for those employed at the nuclear research facility; and

(C) Many units of such housing, while intended to be only temporary structures, are in extremely deteriorated conditions and still serve as residential homes for municipal residents seventy (70) years after originally constructed.

(2) The corporation is hereby declared to be performing a public function on behalf of the local government with respect to which the corporation is created and organized and to be a public instrumentality of such local government. Accordingly, the corporation and all properties of the corporation, including all properties held in the name of the corporation in the land bank, at any time owned by it, and the income and revenues from the properties shall be exempt from all taxation in the State of Tennessee.

(b)(1) A corporation shall come into existence under the terms of this chapter when any local government to which subsection (a) applies either on its own initiative or through inter-local agreements entered into by and between one (1) or more creating local governments vote by majority vote of its legislative body to establish the corporation. Evidence of such authorization shall be proclaimed and countersigned by the presiding officer of each participating county or municipality and certified by such officer to the secretary of state.

(2) The governing bodies of the creating local governments shall indicate their willingness to appropriate sufficient funds to provide for the initial administration of the corporation as a part of the authorization process and for such purposes are authorized to provide funding or grants and appropriate money to the corporation in such manner as directed by the legislative bodies.

13-30-105.

(a) The corporation shall have a board of directors in which all powers of the corporation shall be vested. Such board shall consist of any number of directors, no fewer than five (5), all of whom shall be duly qualified electors of and taxpayers in the creating local government or local governments.

(b) The creating local government or local governments, if more than one (1) has jointly created a corporation, shall determine the qualifications, manner of selection or appointment, terms of office of members of the board, the number of directors, whether and to what extent the members of the local legislative bodies shall be appointed or elected to serve on the board of the corporation and the manner of filling vacancies.

(c) The term of each director on the corporation shall be as set by the creating local government or local governments, provided that any director shall continue to serve beyond the end of the director's term until the director's successor has been appointed. At the first organizational meeting of the corporation, the creating local government or local governments shall establish the terms of the initial directors so that the directors serve staggered terms and an approximately equal number of directors have terms that expire in each year.

13-30-106.

(a) A majority of the board of the corporation shall constitute a quorum for the transaction of any business. Unless a greater number or percentage is required by state law, the vote of a simple majority of the directors present at

any meeting at which a quorum is present shall be the action of the corporation. To the extent permitted by applicable law, the corporation may permit any or all directors to participate in an annual, regular or special meeting by, or conduct the meeting through the use of, any means of communication by which all directors participating may simultaneously hear each other during the meeting. A director participating in a meeting by this means is deemed to be present in person at the meeting.

(b) The members of the board of directors shall select annually from among themselves a chairman, a vice chairman, a treasurer, and such other officers as the board may determine, and shall establish their duties as may be regulated by rules adopted by the board.

(c) The board shall establish rules and requirements relative to the attendance and participation of members in its meetings, regular or special. Such rules and regulations may prescribe a procedure whereby, should any member fail to comply with such rules and regulations, such member may be disqualified and removed automatically from office by no less than a majority vote of the remaining members of the board, and that member's position shall be vacant as of the first day of the next calendar month. Any person removed under the provisions of this subsection shall be ineligible for reappointment to the board, unless such reappointment is confirmed unanimously by the board.

(d) Any citizen or group of citizens upon collection of a petition having a clearly worded purpose, of at least twenty (20) verified signatures of qualified voters registered in the jurisdiction in which the board operates may present to the local government legislative body a resolution calling for the removal of any board member. The local government legislative body shall have the power, upon timely and due consideration of the citizen petition and a response from the board, to remove or retain the cited board member by simple majority vote. Removal from the board of directors of any public official shall not, in, and of itself, impair the public official or municipal or county employee in his or her other duties.

(e) Board members shall serve without compensation, shall have the power to organize and reorganize the executive, administrative, clerical, and other departments of the corporation and to fix the duties, powers and compensation of all employees, agents and consultants of the corporation. The board may reimburse any member for expenses actually incurred in the performance of duties on behalf of the corporation.

(f) The board shall meet in regular session according to a schedule adopted by the board, and also shall meet in special session as convened by the chairman or upon written notice signed by a majority of the members. The presence of a majority of the total membership of the board shall constitute a quorum.

(g) All actions of the board shall be approved by the affirmative vote of a majority of the members of that board present and voting. However, no action of the board shall be authorized on the following matters unless approved by a majority of the total board membership:

(1) Adoption of bylaws and other rules and regulations for conduct of the business of the corporation;

(2) Hiring or firing of any employee or contractor of the corporation. This function may, by majority vote, be delegated by the board to a specified officer or committee of the corporation, under such terms and conditions, and to the extent, that the board may specify;

(3) The incurring of debt;

(4) Adoption or amendment of the annual budget; and

(5) Sale, lease, encumbrance, or alienation of real property, improvements or personal property with a value of more than fifty thousand dollars (\$50,000).

(h) Vote by proxy shall not be permitted. Any member may request a recorded vote on any resolution or action of the board.

13-30-107.

(a) The corporation, once created, shall have the authority to create a land bank for real property located within the boundaries of the creating local government or local governments.

(b) No rules or bylaws created by the corporation, may contravene state law.

(c) All board members, appointees, employees and/or paid advisors of the corporation created, appointed or employed, with or without pay, pursuant to this act are subject to the provisions of Tennessee Code Annotated, Title 8, Chapter 17, and may not be exempted on the basis of any corporate board governance rules or bylaws.

(d) All meetings of the board of directors of the corporation and/or its employees are subject to Tennessee Code Annotated, Title 8, Chapter 44, and may not be exempted on the basis of the corporate board governance rules or bylaws.

(e) All corporate records are subject to the provisions of Tennessee Code Annotated, §§ 10-7-503 through 10-7-505, and may not be exempted on the basis of any corporate board governance rules or bylaws.

13-30-108. The corporation may enter into contracts and agreements with the creating local government or local governments for staffing services to be provided to the corporation by such local governments or agencies or departments thereof.

13-30-109. The corporation shall have the power, as limited by the legislative body of the creating local government or local governments, to:

(1) Adopt, amend and repeal bylaws for the regulation of its affairs and the conduct of its business;

(2) Sue and be sued in its own name and plead and be impleaded in all civil actions, including, but not limited to, actions to clear title to the real property held in the land bank;

(3) Adopt a seal and to alter the same at pleasure;

(4) Borrow funds as may be necessary, for the operation and work of the corporation with the concurrence of the legislative body of the creating local government or local governments;

(5) Enter into contracts and other instruments necessary, incidental or convenient to the performance of its duties and the exercise of its powers, including, but not limited to, intergovernmental agreements under the existing Tennessee Code for the joint exercise of powers under this act;

(6) Make and execute contracts and other instruments necessary or convenient to the exercise of the powers to acquire, hold and dispose of real property held in the land bank;

(7) Procure and enter into contracts for any type of insurance or indemnity against loss or damage to property from any cause, including loss of use and occupancy, against death or injury of any person, against employer's liability, against any act of any member, officer or employee of the corporation in the performance of the duties of such person's office or employment or any other insurable risk, as the board of directors, in its discretion, may deem necessary;

(8) Accept donations, contributions, revenues, capital grants or gifts from any individual, association, public or private corporation, municipality or county of the State of Tennessee, the State of Tennessee or the United States government, or any agency or instrumentality of the State of Tennessee or the United States, for or in aid of any of the purposes of this act and enter into agreements in connection with the donations, contributions, revenues, capital grants or gifts;

(9) Invest money of the corporation in investments that would be eligible investments for a municipality or county in the state and name and use depositories for its money with a bank or trust company which is a member of the Federal Deposit Insurance Corporation;

(10) Identify, investigate, document and nominate properties meeting established criteria to the creating local government or local governments for initiation and exercise of eminent domain procedures in accordance with state law; provided that any real property taken by eminent domain, if transferred to or acquired by the corporation shall only be disposed of by the corporation in a manner which does not violate § 29-17-102;

(11) Enter into contracts which do not violate § 29-17-102, for the management of or the sale of real property in the land bank; such power shall include the power to preserve the value or prevent diminution of the value of any such property until disposed of by the corporation, including the following actions:

(A) Design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;

(B) Fix, charge and collect rents, fees and charges for the use of real property of the land bank and for services provided by the corporation;

(C) Grant or acquire a license, easement, lease, as lessor and as lessee, or option with respect to real property in the land bank; and

(D) Enter into limited partnerships, limited joint ventures and other limited collaborative relationships with local governments and other public and private entities within the designated boundary for the ownership, management, development, and disposition of real property; and

(12) Do all other things necessary or convenient to achieve the objectives and purposes of the corporation related to the real property held in the land bank.

13-30-110.

(a) The corporation may acquire real property or interests in real property for the land bank by gift, devise, transfer, exchange, foreclosure, purchase, or otherwise on terms and conditions and in a manner the corporation considers proper.

(b) The corporation may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts or land contracts, and may accept transfers from municipalities or counties upon such terms and conditions as agreed to by the corporation and the local government.

(c) The corporation shall maintain all of its real property and real property held in the land bank in accordance with state law and the laws and ordinances of the jurisdiction in which the real property is located.

(d) The corporation shall not own or hold real property located outside the jurisdictional boundaries of the local governmental entity or entities that created the corporation; provided, however, that the corporation may be granted authority pursuant to an intergovernmental cooperation agreement with another municipality or county to manage and maintain real property located within the jurisdiction of such other municipality or county.

(e) Notwithstanding any other provision of law to the contrary, any municipality or county may convey to the corporation real property and interests in real property on such terms and conditions, and according to such procedures, as determined by the legislative body of the local government conveying the real property to the corporation.

13-30-111.

(a) The corporation shall hold in its own name all real property acquired by the corporation for the land bank irrespective of the identity of the transferor of such property.

(b) The corporation shall maintain and make available for public review and inspection an inventory of all real property held for the land bank. In addition to referrals to public access, routine, printed, real property records or those on municipal and county electronic database files, the corporation is authorized to maintain an independent, publically available, electronic inventory via the creating local government or local government's Web site with any combination of pictures, informal descriptions, legal descriptions and addresses as the board may deem appropriate to its purposes related to real property in the land bank. The corporation is obligated to make reasonable efforts to ensure that information contained in any independent, electronic inventory is practically accurate or to ensure that a prominent disclaimer of accuracy is prominently displayed to any potential viewer.

(c) The corporation shall determine and set forth in policies and procedures of the board of directors, the general terms and conditions for consideration to be received for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants and conditions related to the present and future use of the property, contractual commitments of the transferee, and such other forms of consideration as determined by the board of directors to be in the best interest of the corporation related to real property in and for the land bank.

(d) The corporation may convey, exchange, sell, transfer, lease as lessee, grant, release and demise, pledge and hypothecate any and all interests in, upon or to real property of the land bank, to the extent authorized by the legislative body of the creating local government or local governments and in a manner which does not violate § 29-17-102.

(e) The legislative body of the local government or local governments creating the corporation, are authorized to establish a hierarchical ranking of priorities for the use of real property conveyed to the corporation for the land bank including but not limited to:

(1) Use for purely public spaces and places;

(2) Use for affordable housing;

(3) Use for retail, commercial and industrial activities; or

(4) Use as wildlife conservation areas, and such other uses and in such hierarchical order as determined.

(f) The creating local government or local governments are authorized to require that any particular form of disposition of real property, or any disposition of real property located within specified jurisdictions which is held

by the corporation in the land bank, be subject to specified voting and approval requirements of the board of directors. Except and unless restricted or constrained in this manner, the board of directors may delegate to officers and employees the authority to enter into and execute agreements, instruments of conveyance and all other related documents pertaining to the conveyance of real property held by the corporation as real property for the land bank.

13-30-112.

(a) The board shall cause minutes and a record to be kept of all its proceedings and such records shall be available for timely public inspection. All meetings shall be open to the public with appropriate notice published in accordance with Section 13-30-107(d).

(b) The board shall publish a report on an annual basis to its creating local government or local governments. This annual report must contain a detailed financial accounting of the corporation's debt obligations, income (sources and amounts), properties, dispositions, expenditures, acquisitions, contracts (executed and pending within the next ninety (90) days), significant activities and other data as required by organizational bylaws and governance documents. This report shall be maintained on file for audit purposes and immediately available to the Department of Audit in the office of the comptroller of the treasury upon request. Additionally, all such reports shall be available for public inspection.

13-30-113. A corporation created pursuant to this chapter may be dissolved in the manner established by the creating local government or local governments or otherwise in accordance with general law for the dissolution of a public corporation.

13-30-114. No member of the board or employee of a corporation shall acquire any interest, direct or indirect, in real property acquired or held by the corporation. No member of the board or employee of the corporation shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished or used by the corporation. The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the board or corporation.

13-30-115. This act shall be construed liberally to effectuate the legislative intent and the purposes as complete and independent authorization for the performance of each and every act and thing authorized by this act, and all powers granted shall be broadly interpreted to effectuate the intent and purposes and not as a limitation of powers. Except as otherwise expressly set forth in this act, in the exercise of its powers and duties under this act and its powers relating to property held in the land bank, the corporation shall have complete control as fully and completely as if it represented a private property owner and shall not be subject to restrictions imposed by the charter, ordinances or resolutions of a local unit of government.

13-30-116.

(a) In accordance with existing provisions of Tennessee Code Annotated, §§ 67-5-2505, 67-5-2507, 67-5-2508, 67-5-2509, and 67-5-2514, the corporation is exempt from any state taxation.

(b) Additionally, the corporation has the power to pay any unpaid taxes due and owing by the owner of record of the real property, or make any government mandated improvements to the property, in exchange for the deed of real property to the corporation.

(c) All proceeds from the sale of real property held in the land bank shall be returned to the corporation.

(d) All corporate revenue shall be held by the board of directors, and proceeds shall only go to furthering the aims of the acquisition and/or resale of real property by the corporation for the land bank.

13-30-117.

(a) A corporation shall be authorized to file an action to quiet title as to any real property in which the corporation has an interest. For purposes of any and all such actions, the corporation shall be deemed to be the holder of sufficient legal and equitable interests, and possessory rights, so as to qualify the corporation as adequate complainant in such action.

(b) Prior to the filing of an action to quiet title, the corporation shall conduct an examination of title to determine the identity of any and all persons and entities possessing a claim or interest in or to the real property. Service of the complaint to quiet title shall be provided to all such interested parties by the following methods:

(1) Registered or certified mail to such identity and address as reasonably ascertainable by an inspection of public records;

(2) In the case of occupied real property by registered or certified mail, addressed to "occupant";

(3) By posting a copy of the notice on the real property;

(4) By publication in a newspaper of general circulation in the municipality in which the property is located;

(5) By electronically publishing notices with addresses and descriptions via the municipality's Web site; and

(6) Such other methods as the court may order.

(c) As part of the complaint to quiet title, the corporation shall file an affidavit identifying all parties potentially having an interest in the real property, and the form of notice provided.

(d) The court shall schedule a hearing on the complaint within ninety (90) days following filing of the complaint, and as to all matters upon which an answer was not filed by an interested party, the court shall issue its final judgment within one hundred twenty (120) days of the filing of the complaint.

(e) A corporation shall be authorized to join in a single complaint to quiet title one (1) or more parcels of real property.

13-30-118.

(a) The creating local government or local governments shall establish an appeal procedure as described in this section for any person aggrieved by the decision of the corporation with respect to real property proposed for acquisition or acquired by, held and disposed of by the corporation for the land bank.

(b) The legislative body of the local government is authorized to create an appeals committee or a joint appeals committee if more than one (1) local government created the corporation. Any person aggrieved by the decision of the corporation concerning any aspect of this act may obtain review of the official's decision by requesting an appeal of the decision of the official in written form to the appeals committee within ten (10) days of the date of the official's decision.

(c) The appeals committee shall hear the appeal within thirty (30) days of the written request for appeal.

(d) The appeals committee shall consider the appeal and render a decision on all hearings within thirty (30) days of the hearing date, unless the hearing is continued from time to time by a majority vote of the committee for further information.

(e) The appeals committee shall act as a quasi-judicial body whose purpose is to determine whether the corporation followed proper and authorized procedures related to the acquisition or disposal of real property held in the land bank, its applicability to the appellant, and to rule upon the actions of the official. The appeals committee shall not be bound by formal rules of evidence applicable to the various courts of the state.

(f) Hearings before the appeals committee shall proceed as follows:

(1) The corporate official shall explain his decision and the reasons for his decision related to the real property at issue;

(2) The appellant shall explain his reasons for protesting the decision of the official;

(3) The appeals committee may request further information from any corporate official. The appeals committee shall not have the power of subpoena;

(4) The appeals committee shall deliberate and render a decision by a majority vote as to whether the official acted appropriately in making the decision. The decision shall also include a recommendation for appropriate legislative body of the local government, if any is required or recommended, to remedy the issue in accordance with the decision rendered by the appeals committee.

(5) Decisions will be reduced to writing and copies shall be sent to all parties, including the legislative body of the local government or local governments, as appropriate, and shall become a part of the minutes of the appeals committee and the appropriate legislative body.

(6) Decisions of the appeals committee shall be final.

13-30-119.

(a) The comptroller shall monitor the actions of the corporation for a period of three (3) years from the date the corporation is created.

(b) No later than March 1st following the end of the third year of the creation of the corporation, the comptroller shall file a report with the governor and the state and local government committees of each house with recommendations concerning whether the pilot project should be continued, expanded or discontinued, together with recommended legislative actions based on such decision.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect July 1, 2012, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3223**, as amended, passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

FURTHER ACTION ON HOUSE BILL NO. 3274

Senator Watson moved that **House Bill No. 3274** be moved five places down on the Calendar for today, which motion prevailed.

Senate Bill No. 3288 -- Metropolitan Government -- As introduced, revises entity controlling allocation of taxes associated with professional sports franchises; revises and removes restrictions on use of funds; transfers unexpended funds to new entity. Amends TCA Title 67.

On motion, Senate Bill No. 3288 was made to conform with **House Bill No. 3828**.

On motion, House Bill No. 3828, on same subject, was substituted for Senate Bill No. 3288.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3828** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

Senate Bill No. 3573 -- Holidays and Days of Special Observance -- As introduced, directs the governor to annually issue an executive order designating one month each year as "Tennessee Genealogy Month". Amends TCA Title 4, Chapter 1, Part 4.

On motion, Senate Bill No. 3573 was made to conform with **House Bill No. 3746**.

On motion, House Bill No. 3746, on same subject, was substituted for Senate Bill No. 3573.

On motion of Senator Yager, Amendment No. 1 was withdrawn.

Thereupon, **House Bill No. 3746** passed its third and final consideration by the following vote:

Ayes	32
Noes	0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

Senate Bill No. 3602 -- Police -- As introduced, adds to definition of "police officer" for purposes of traffic control or regulation only a person who retired in good standing from being a commissioned, POST-certified law enforcement officer and who has notified the chief law enforcement officer. Amends TCA Title 55 and Title 62.

Senator Beavers moved to amend as follows:

AMENDMENT NO. 1

AMEND by deleting Section 1 of the bill in its entirety and by substituting instead the following new Section 1:

SECTION 1. Tennessee Code Annotated, Section 55-8-109, is amended by adding the following language as a new subsection (c) and by redesignating subsequent subsections accordingly:

(c) For purposes of this section, "traffic or police officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations or a person licensed under Title 62, Chapter 35, Part 1, who is retired in good standing from being a commissioned, POST-certified law enforcement officer and who has notified the chief law enforcement officer in the jurisdiction where the retired officer will be directing or regulating traffic at least twenty-four (24) hours in advance, or as soon as possible in the event of an emergency, prior to performing traffic control functions in such jurisdiction.

On motion, Amendment No. 1 was adopted.

Thereupon, **Senate Bill No. 3602**, as amended, passed its third and final consideration by the following vote:

Ayes 32
Noes 0

Senators voting aye were: Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Ford, Gresham, Harper, Haynes, Henry, Herron, Johnson, Kelsey, Ketron, Kyle, Marrero, Massey, McNally, Norris, Overbey, Roberts, Southerland, Stewart, Summerville, Tate, Tracy, Watson and Yager--32.

A motion to reconsider was tabled.

MOTION

Senator Crowe moved that Rule 83(8) be suspended for the purpose of placing **Senate Bill No. 251**; and **House Joint Resolution No. 620** on the calendar for the Committee on Health and Welfare for Tuesday, April 17, 2012, which motion prevailed.

MOTION

Senator McNally announced pursuant to Rules 31 and 83(8) that **Senate Bills Nos. 1566, 2773, 2780, 2886, 2913, 2922, 3092 and 3314**; and **Senate Joint Resolution No. 635** will be added to the calendar for the Committee on Finance, Ways and Means for Tuesday, April 17, 2012; and further announced that any bills with fiscal notes, recommended for passage by a standing committee, will be placed on the first available calendar for the Committee on Finance, Ways and Means.

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

RECALL OF BILL

On motion of Senator Tracy, **Senate Bill No. 2811** was recalled from the Committee on Calendar.

WITHDRAWAL OF BILL

On motion of Senator Tracy, Senate Bill No. 2811 was withdrawn from the Senate.

MOTION

Senator Norris moved that the Proposed Schedule for the week of April 16, 2012, be adopted and made the action of the Senate, which motion prevailed.

**TENNESSEE STATE SENATE
107th GENERAL ASSEMBLY**

**PROPOSED SCHEDULE
FOR THE WEEK OF APRIL 16, 2012**

MONDAY – April 16

4:00 p.m. Session – Senate Chamber

6:00 p.m. Budget Subcommittee

TUESDAY – April 17

9:00 a.m. – 10:00 a.m.	Health & Welfare Committee (Final Calendar)
10:00 a.m. – 1:30 p.m.	Government Operations Committee (Final Calendar)
1:30 p.m. – 5:00 p.m.	Finance, Ways & Means Committee

WEDNESDAY – April 18

8:30 a.m. Session – Senate Chamber

10:30 a.m. – 12:30 p.m. Budget Subcommittee

12:30 p.m. – 2:00 p.m. Lunch

2:00 p.m. – 5:00 p.m. Finance, Ways & Means Committee

THURSDAY – April 19

8:30 a.m. Finance, Ways & Means Committee

11:00 a.m. Session – Senate Chamber

NOTE: Fiscal Review Committee meeting, Monday, April 16, 2012, at 1:30 p.m., in 16 LP.

MOTION

Senator Ford moved that Rule 83(8) be suspended for the purpose of placing **Senate Joint Resolution No. 635** first on the calendar for the Committee on Finance, Ways and Means for Tuesday, April 17, 2012; and further moved that **Senate Joint Resolution No. 635** be placed on

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

the Calendar for Wednesday, April 18, 2012, if recommended for passage by the Committee on Finance, Ways and Means, which motion prevailed.

RECALL OF BILL

On motion of Senator Haynes, **Senate Joint Resolution No. 700** was recalled from the Committee on Calendar.

WITHDRAWAL OF BILL

On motion of Senator Haynes, Senate Joint Resolution No. 700 was withdrawn from the Senate.

MOTION

On motion of Senators Harper and Marrero, their names were added as sponsors of **Senate Bill No. 2129**.

On motion of Senator Massey, her name was added as sponsor of **Senate Bills Nos. 2246 and 2407; and House Joint Resolution No. 861**.

On motion of Senator Faulk, his name was added as sponsor of **Senate Bills Nos. 2420, 2463 and 2544**.

On motion of Senator Burks, her name was added as sponsor of **Senate Bills Nos. 2480 and 2817**.

On motion of Senators Burks, Faulk and Massey, their names were added as sponsors of **Senate Bill No. 2507**.

On motion of Senators Ford, Kelsey, Kyle, Norris, Tate, Barnes, Beavers, Bell, Berke, Burks, Campfield, Crowe, Faulk, Finney, Gresham, Harper, Haynes, Henry, Herron, Johnson, Ketron, Massey, McNally, Overbey, Roberts, Southerland, Stewart, Summerville, Tracy, Watson, Yager and Mr. Speaker Ramsey, their names were added as sponsors of **Senate Bill No. 2999**.

On motion of Senators Harper and Tate, their names were added as sponsors of **Senate Bill No. 3062**.

On motion of Senators Burks, Ford, Massey and Overbey, their names were added as sponsors of **Senate Bill No. 3183**.

On motion of Senators Burks, Crowe, Harper, Massey, Overbey and Tate, their names were added as sponsors of **Senate Bill No. 3222**.

On motion of Senator Yager, his name was added as sponsor of **Senate Bill No. 3223**.

On motion of Senator Campfield, his name was added as sponsor of **Senate Bill No. 3573**.

On motion of Senator Harper, her name was added as sponsor of **Senate Bill No. 3602**.

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

On motion of Senator Overbey, his name was added as sponsor of **Senate Bill No. 3691**.

On motion of Senators Faulk and Massey, their names were added as sponsors of **Senate Joint Resolution No. 742**.

On motion of Senators Ford and Marrero, their names were added as sponsors of **Senate Joint Resolutions Nos. 743, 744, 745 and 746**.

On motion of Senator Beavers, her name was added as sponsor of **House Joint Resolutions Nos. 853, 854, 855, 856 and 857**.

On motion of Senators Marrero, Ford, Kelsey, Kyle, Norris, Tate, Harper and Berke, their names were added as sponsors of **House Joint Resolutions Nos. 858 and 859**.

On motion of Senator Ford, her name was added as sponsor of **House Joint Resolution No. 862**.

On motion of Senator Stewart, his name was added as sponsor of **House Joint Resolution No. 864**.

ENGROSSED BILLS

April 12, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2407, 2420, 2463, 2617, 2735, 2999, 3222, 3223 and 3227; and Senate Joint Resolutions Nos. 742, 743, 744, 745, 746, 747, 748, 749 and 750; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

ENGROSSED BILLS

April 12, 2012

MR. SPEAKER: Your Deputy Chief Clerk begs leave to report that we have carefully examined Senate Bills Nos. 2462, 3062, 3345 and 3602; and Senate Joint Resolution No. 785; and find same correctly engrossed and ready for transmission to the House.

ALAN WHITTINGTON,
Deputy Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Bills Nos. 182, 2387, 2895, 3062, 3282, 3760 and 3761; passed by the House.

JOE MCCORD,
Chief Clerk.

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolution No. 808, adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 912 and 913; adopted, for the Senate's action.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 1429, 2852, 2970, 3062, 3549 and 3602; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2462, 2587 and 3608; substituted for House Bills on same subjects and passed by the House.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Joint Resolution No. 785, concurred in by the House.

JOE MCCORD,
Chief Clerk.

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to transmit to the Senate, House Joint Resolutions Nos. 853, 854, 855, 856, 857, 858, 859, 861 and 862; for the signature of the Speaker.

JOE MCCORD,
Chief Clerk.

SIGNED

April 12, 2012

The Speaker announced that he had signed the following: Senate Bills Nos. 2551, 2559, 2609, 3032, 3580 and 3616; and House Bills Nos. 2237, 2456, 2612, 2806, 2861, 2961, 2978, 3323, 3443, 3505, 3581, 3717 and 3792.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 68, 673, 1447, 2230, 2237, 2313, 2413, 2671, 2678, 2714, 2718, 2723, 2742, 2796, 2821, 2838, 2916, 2976, 2982, 2987, 3424, 3604 and 3627; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

MESSAGE FROM THE HOUSE

April 12, 2012

MR. SPEAKER: I am directed to return to the Senate, Senate Bills Nos. 2551, 2559, 2609, 3032, 3580 and 3616; signed by the Speaker.

JOE MCCORD,
Chief Clerk.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 1**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 16, 2012: Senate Joint Resolutions Nos. 751, 752, 753, 754, 755, 756, 757, 758, 761, 762, 763 and 764; Senate Resolution No. 94; and House Joint Resolutions Nos. 864, 865, 866, 867 and 868.

This the 12th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
CONSENT CALENDAR # 2**

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 16, 2012: Senate Bills Nos. 2284, 2605, 2728,

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

2856, 2891, 3023, 3257, 3305, 3513, 3517 and 3654; Senate Resolution No. 93; and House Joint Resolutions Nos. 520, 602 and 679.

This the 12th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR # 1**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Monday, April 16, 2012: Senate Bills Nos. 3766, 3777, 3782, 3792, 3794 and 3796.

This the 13th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
LOCAL BILL
CONSENT CALENDAR # 2**

Pursuant to Rule 26, the following bills have been set on the Consent Calendar for Monday, April 16, 2012: Senate Bills Nos. 3803 and 3807.

This the 13th day of April, 2012.
MIKE FAULK, Chairperson.

REPORT OF COMMITTEE ON CALENDAR

MR. SPEAKER: Your Committee on Calendar begs leave to report that we have met and set the following bills on the calendar for Monday, April 16, 2012: Senate Bills Nos. 3635 and 3647; House Bill No. 3274; Senate Bills Nos. 3691, 3700, 2206, 2225, 2514, 2515, 3096 and 3460; House Bill No. 1572; Senate Joint Resolutions Nos. 183 and 710; Senate Bills Nos. 1093, 2179, 2234, 2569, 3270, 3553, 2544, 2754, 2923 and 3663; and House Bill No. 2403.

This the 12th day of April, 2012.
MIKE FAULK, Chairperson.

**REPORT OF COMMITTEE ON CALENDAR
SENATE MESSAGE CALENDAR**

Pursuant to Rule 44, notice has been given on the following bills and they have been set on the Message Calendar for Monday, April 16, 2012: Senate Bills Nos. 1252, 2879, 3179 and 3382; and House Bills Nos. 1105, 2683 and 3633.

This the 12th day of April, 2012.
MIKE FAULK, Chairperson.

THURSDAY, APRIL 12, 2012 -- 71ST LEGISLATIVE DAY

ADJOURNMENT

Senator Norris moved the Senate adjourn until 4:00 p.m., Monday, April 16, 2012, which motion prevailed.